Remarks

In response to the Office Action mailed on September 30, 2008, the Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1, 3, 5, 6, 7, and 21 have been amended for clarification and claim 19 has been canceled without prejudice or disclaimer. Support for these amendments may be found at least on page 4, lines 6-11, page 8, lines 19-23, and page 10, lines 1-10 in the Specification. No new matter has been added.

In the Office Action, claims 3, 4, and 21 are rejected under 35 U.S.C. § 112, second paragraph. Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Terry (6961765) in view of Gruyer et al. (2002/0112048, hereinafter "Gruyer") in further view of Raveis, JR. (2001/0047282, hereinafter "Raveis) and in further view of Achiwa et al. (2003/0009438, hereinafter "Achiwa"). Claims 2-6, 10, 11, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terry, Gruyer, Raveis and Achiwa and in further view of Burgess et al. (5796633, hereinafter "Burgess"). Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terry, Gruyer, Raveis, Achiwa and Burgess in further view of Jawahar et al. (6256620, hereinafter "Jawahar").

Claim Rejections - 35 U.S.C. §112

Claims 3, 4, and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting the use of a "scheduled" event which is created at a "random" time. The aforementioned claims have been amended to delete the term "scheduled" and to clarify that an "event" is created within a random time within the predetermined time period, the predetermined time period comprising at least four increments of time. Page 8 of the Applicants' Specification discusses, as an example,

that the event may be created at a random time between 10:00 and 11:00. As noted by the Examiner in paragraph 4 of the Office Action and as will be appreciated by those skilled in the art, the limitation of time may include at least minutes and/or seconds such that, referring to the Examiner's example in the Office Action, a "random" time between a predetermined time period of 10:00 PM and 10:03 PM (i.e., comprising at least four increments of time) may include 10:01 pm and 10:02 PM or 10:00:01 PM and 10:00:02 PM. Thus, since the event would not necessarily always be created at the same time during the predetermined time period, the event is created at a random time. Based on the foregoing, the rejection under 35 U.S.C. §112, second paragraph should be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claim 1

Claim 1 is rejected as being unpatentable over Terry in view of Gruyer in further view of Raveis in further view of Achiwa. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a client-side system stored on a computer, wherein the client-side system logs, in a logging file, a plurality of user interactions performed in an application program module and periodically uploads the logging files to a remote server system for analysis of the logging file. The client-side system includes a logging code in communication with the application program module, wherein the logging code comprises a plurality of hooks into the application program module and an operating system of the computer, wherein when a user performs any recordable action within an application program, one of the plurality of hooks is triggered

and a data record is generated; a logging file in communication with the logging code, wherein the logging code stores the data record in the logging file; a script file in communication with the logging file, wherein the script file is operative to upload the logging file to the remote server system, wherein uploading the logging file to the remote server system comprises opening an Active Data Object (ADO) session with the remote server system, renaming the logging file with a random number therein preventing duplication of a logging file name at the remote server system and placing the logging file into an ADO database record set; and a set-up program module, wherein launching the set-up program module comprises installing the logging code in a memory of the computer and setting a registry key in a registry of the operating system as an indicator to the application program to load the logging code when monitoring of the plurality of user interactions has been indicated, and wherein launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information; wherein the registry is checked by the application program to determine if the monitoring of the plurality of user interactions has been indicated and, if so, then the monitoring of the plurality of user interactions is started in response to calling an initialization function, or launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information.

Terry discusses a method of detecting states that are activated by internal computer unit environment, which include: (a) monitoring the active window task

manager for all identifiable window handles; (b) intercepting all operating system messages which are transmitted between third-party applications (programs) and the O/S; (c) detecting any change in a critical O/S file or third-party start-up file; (d) detecting any change in a critical aspect of the registry; (e) sending a inner-process communications message to any identifiable window handle which resides within the active task manager; (f) sending a real time forensic report to a monitor station defining the state of the detection. (See Terry column 4, lines 40-52.) Terry discusses a parallel thread that activates an independent 32 bit API DLL (505), to establish a "hook" into the actual O/S kernel. (See Terry column 13, lines 42-52.) Terry also discusses that a parallel thread is initiated to poll the status of the network connection and to ensure all proper pathways are established for the client application 110 to communicate with administrative application 115. (See Terry column 15, lines 39-42.) Terry further discusses that a registry key is opened as part of an analysis to determine unauthorized changes within a particular segment of the registry (i.e., HKEY_LOCAL_MACHINE:Software/Microsoft). The analysis includes a method opening the physical registry key and opening and querying the segment for any possible unauthorized changes. (See Terry column 19, lines 19-50). Terry further discusses initiating a parallel thread which will initiate a series of sub-threads, which collect registry information throughout various defined segments of the computer registry. The parallel thread is activated during the initial installation or re-initialization if the computer is updated with new authorized software. (See Terry column 9, lines 60-67).

Gruyer discusses a method and system for analyzing the detailed behavior of the users browsing the World Wide Web. The behavioral information may be provided to

businesses interested in knowing how users behave when using certain web services. (See Gruyer paragraph [0009].) Gruyer also discusses that when a user 102 consents to being monitored, the user is enabled to download and install the agent software 106 on a user device 108, e.g., a workstation or a desktop computer. (See Gruyer paragraph [0009].)

Raveis discusses a system and method for managing real estate transactions over a distributed computer network. (See Raveis paragraph [0009].) Raveis discusses that Microsoft's Active Data Objects ("ADO") version 2.0 is used to establish database connectivity between the business objects and the database. (See Raveis paragraph [0197].)

The Office Action acknowledges that the combination of Terry, Gruyer, and Raveis fails to disclose renaming the logging file with a random number therein preventing the duplication of a logging file name at the remote server system. It is further respectfully submitted that the combination of Terry, Gruyer, and Raveis fails to teach, disclose, or suggest setting a registry key in a registry of the operating system as an indicator to the application program to load the logging code when monitoring of the plurality of user interactions has been indicated or wherein the registry is checked by the application program to determine if the monitoring of the plurality of user interactions has been indicated and, if so, then the monitoring of the plurality of user interactions is started in response to calling an initialization function, or launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information.

In the Office Action, Terry is relied on for teaching the checking of the registry by the application program to determine if the monitoring of the plurality of user interactions has been indicated. However, Terry merely discusses the utilization of a computer registry and registry key to determine unauthorized changes within a particular segment of the registry (see Terry column 19, lines 19-50) and the utilization of a parallel thread to collect computer registry information. Terry however, fails to teach, disclose or suggest the setting of a registry key in the operating system as an indicator to the application program to load logging code when monitoring of the plurality of user interactions has been indicated, as specified in amended claim 1. In contrast, Terry discusses the monitoring or checking of the registry as a means to determine unauthorized modifications (see Col. 9, lines 1-21) instead of checking the registry prior to the initiation or start of the monitoring process. Thus, since amended claim 1 specifies that the registry is checked by the application program to determine if the monitoring of the plurality of user interactions has been indicated and, if so, then the monitoring of the plurality of user interactions is started in response to calling an initialization function, Terry fails to disclose this feature. Terry is also silent with respect to launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information. Terry discusses neither a survey nor an inventive in exchange for launching a set-up program module for logging application program actions.

Both Gruyer and Raveis, discussed above, fail to cure the deficiencies of Terry because both references are silent with respect to registry keys or a registry in connection

with launching a set-up program module for installing logging code, or that launching a set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software.

Achiwa, relied upon in the Office Action for allegedly curing the deficiencies of Terry, Gruyer, and Raveis, discusses providing a means for specifying an object of remote copy for a networked attached storage at detailed levels. A storage system for accepting that a file request has remote copy information and specifying a destination of remote copy in units of a file or directory. The storage system receives a write request of a file, determines whether the file for which the write request is issued is an object of remote copy on the basis of the remote copy information, and if so, executes a remote copy operation to a remote copy destination acquired from the remote copy information. See paragraphs 0013-0014. Files which failed in remote copy are stored in an emergency volume and the files have randomly generated file names to prevent identical file names in the emergency volume. See paragraph 0065.

As will be discerned from the discussion of Achiwa, above, Achiwa fails to cure the deficiencies of Terry, Gruyer, and Raveis in that the reference is silent with respect to registry keys or a registry in connection with launching a set-up program module for installing logging code, or that launching a set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software.

Based on the foregoing, the combination of Terry, Gruyer, Raveis, and Achiwa fails to teach, disclose, or suggest each of the features specified in amended claim 1.

Therefore, amended claim 1 is allowable and the rejection of this claim should be withdrawn.

<center>Claims 2-6, 10, 11, 19, and 20</center>

Claims 2-6, 10, 11, 19, and 20 are rejected as being unpatentable over Terry in view of Gruyer in further view of Raveis in further view of Achiwa and in further view of Burgess. Claim 19 has been canceled without prejudice or disclaimer rendering the rejection of this claim moot. The rejection of the remaining claims is respectfully traversed.

Claims 2-4 depend from amended claim 1 and thus specify at least the same features. As discussed above, the combination of Terry, Gruyer, Raveis, and Achiwa fails to teach, disclose, or suggest each of the features of amended claim 1.

Burgess discusses monitoring the performance of a computer coupled to a computer network and generating an alert when the performance of the computer has reached an alertable level. The computer is monitored for performance data which is automatically sent over the computer network to a second computer for logging to a performance database. See col. 2, lines 21-34. Burgess further discusses a logging thread which logs performance data each predetermined time interval. See Col. 8, lines 19-63.

Burgess fails to cure the deficiencies of Terry, Gruyer, Raveis, and Achiwa because the reference is silent with respect to at least the novel features discussed above with respect to amended claim 1 (i.e., registry keys or a registry in connection with launching a set-up program module for installing logging code, or that launching a set-up program module signifies user consent to have application program actions logged in

exchange for an incentive, the incentive comprising free software). Therefore, the combination of Terry, Gruyer, Raveis, and Achiwa, and Burgess fails to teach, disclose, or suggest each of the features specified in claims 2-4.

Based on the foregoing, claims 2-4 are allowable and the rejection of these claims should be withdrawn. In addition, amended claim 3 specifies wherein the script file uploads the logging file to the remote server system via an Internet connection, wherein the event is created at a random time within the predetermined time period when heavy use of the computer and the Internet connection is less likely than other times. As conceded in the Office Action, the combination of Terry, Gruyer, Raveis, and Achiwa fails to teach, disclose or suggest an event (scheduled or otherwise) created within a predetermined time period. In the rejection of claim 2 (from which claim 3 depends) the Office Action relies on Burgess for allegedly teaching a predetermined time interval (col. 8, lines 19-63). Burgess however merely discusses a logging thread which logs performance data each predetermined time interval and thus fails to disclose a scheduled event which is created at a random time within the predetermined time period when heavy use of the computer and the Internet connection is less likely than other times. As discussed above in the Applicants response to the rejection under 35 U.S.C. §112, second paragraph, a random time within a predetermined time period would not be predicted within a predetermined time period comprising at least four increments of time. Thus, it is respectfully submitted that amended claim 3 is allowable for at least the foregoing additional reasons.

Amended claim 5 specifies similar features as claims 2-4 and thus is allowable over the combination of Terry, Gruyer, Raveis, Achiwa, and Burgess for at least the same

reasons. In addition, amended claim 5 further specifies wherein the logging code collects a plurality of data points that specify a numeric identifier for the element and an identifier on the object that contains the element, wherein the element refers to the event message, and wherein the logging code contains code that filters a plurality of event messages to determine the element referred to by the event message and recording the user interaction in a logging file on the computer, wherein each recorded user interaction further comprises a screen resolution. Based on the discussion above, the combination of Terry, Gruyer, Raveis, Achiwa, and Burgess is silent with respect to each of the aforementioned features (for example, the aforementioned combination fails to teach recording a user interaction comprising a screen resolution (see paragraphs 53-62 in the Office Action). Thus, it is respectfully submitted that amended claim 5 is allowable for at least the foregoing additional reasons.

Claims 6, 10, 11, and 20 depend from amended claim 5 and thus specify at least the same features. Therefore, these claims are allowable for at least the same reasons and the rejection of these claims should also be withdrawn.

<div align="center">Claims 7 and 8</div>

Claims 7 and 8 are rejected as being unpatentable over Terry in view of Gruyer in further view of Raveis in further view of Achiwa in further view of Burgess and in further view of Jawahar. The rejection of these claims is respectfully traversed.

Claims 7 and 8 depend from amended claim 5 and thus specify at least the same features. As discussed above, the combination of Terry, Gruyer, Raveis, Achiwa and Burgess fails to teach, disclose, or suggest each of the features of amended claim 5

Jawahar, relied upon in the Office Action for allegedly curing the deficiencies of Terry, Gruyer, Raveis, Achiwa, and Burgess, discusses a system that monitors the access of information by an individual or system. An access monitoring application monitors information accessed by an information accessing system. Data received from the information accessing system identifies the information accessed which may include information stored in web pages. See col. 2, lines 1-15.

Jawahar fails to cure the deficiencies of Terry, Gruyer, Raveis, Achiwa, and Burgess because the reference is silent with respect to at least allowing a user to determine if they wish to have interactions with the software application program module logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information. Therefore, the combination of Terry, Gruyer, Raveis, Achiwa, Burgess, and Jawahar fails to teach, disclose, or suggest each of the features specified in claims 7-8. Thus, claims 7-8 are allowable for at least the foregoing reasons and the rejection of these claims should be withdrawn.

<u>Claim 21</u>

Although not specifically addressed in the Office Action, amended claim 21 specifies similar features as claims 2-4, discussed above and thus is allowable over the cited references of record for at least the same reasons. Therefore, the rejection of this claim should also be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner

believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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